

**REMARKS-General**

1. Upon review of the original specification and in light of the observation of the Examiner noted in the above Office Action, the applicant has amended the original specification which is deemed to more clearly and distinctly describe the subject matter of the instant invention, and which provides full antecedent basis to the amended claims. No new matter has been included in the amended specification.
2. The claims are amended to correctly all informalities noticed in the Office Action. No new matter has been included. All amended claims are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.
3. Regarding the objection of the Oath/Declaration, the applicant respectfully submits that the citizenship of the inventor is "Hong Kong SAR, P.R. China".

**Regarding to Rejection of Claims 1, 3, 5-17 under 35USC102(e).**

4. Pursuant to 35 U.S.C. 102(e), "a person shall be entitled to a patent unless:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

5. In view of 35 U.S.C. 102(e), it is apparent that a person shall not be entitled to a patent when his or her invention was described in (1) an application for patent, published under 122 (b), or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent. However, the Shkedy (US 6,260,024) patent and the instant invention are not the same invention according to the fact that the independent claims 1 and 32-34 of the Shkedy patent does not read upon the instant invention and the independent claim 1 of the

instant invention does not read upon the disclosure of the Shkedy patent too. Apparently, the instant invention, which discloses a C2B method for consolidating consumer powers in activating market economy by associating ordered products of purchasing Members and purchasing and delivering such ordered products from contracted Suppliers for the Members so as to generate bargaining power with the contracted Suppliers of ordered products for individual consumers, should not be the same invention as the Shkedy patent which merely suggests a method of providing a substantially matching service for the buyers and the potential sellers through a central controller that does not conduct any purchasing itself.

6. Applicant believes that for all of the foregoing reasons, all of the claims 1, 3, 5-17 as amended above are in condition for allowance and such action is respectfully requested.

#### **Response to Rejection of Claims 2, 4 and 18-27 under 35USC103**

7. The claims 18-25 are cancelled. The claims 2, 4 and 27 are amended to more particularly point out and distinctly claim the subject matter of the instant invention.

8. The applicant respectfully submits that this is clearly **not** a proper basis for combining references in making out an obviousness rejection of the present claims. Rather, the invention must be considered as a whole and there must be something in the reference that suggests the combination or the modification. See Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") In re Laskowski, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), ("Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.")

9. In the present case, there is no such suggestion. The claims 2, 4 and 26-27 are dependent claims depending from the independent claim 1 so that the claim 2, 4, 26 or 27 should be treated as a whole that includes all limitations as claimed in the base claim any intervening claims. Shkedy and Mintz perform very different types of invention. Shkedy merely suggests a method of providing a substantially matching service for the buyers and the potential sellers through a central controller that does not conduct any purchasing itself. Mintz, on the other hand, discloses a system and method for conducting opinion surveys using electronic mail as the transport mechanism.

10. In any case, even combining Shkedy and Mintz would not provide the invention as claimed -- a clear indicia of nonobviousness. *Ex parte Schwartz*, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992), ("Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed."). That is, modifying Shkedy with Mintz, as proposed by the Examiner, would not provide a C2B method for consolidating consumer powers in activating market economy by associating ordered products of purchasing Members and purchasing and delivering such ordered products from contracted Suppliers for the Members so as to generate bargaining power with the contracted Suppliers of ordered products for individual consumers, in which:

(i) in the step (a) of providing a C2B network, it further comprises the steps of (a.1) taking part into surveys regarding interests and needs in different products for each of said Members; and (a.2) storing said information provided by said Members into a purchasing database, wherein said information is analyzed and grouped in difference categories (as claimed in claim 2);

(ii) in the step (e) of purchasing the order products, it further comprises the step (e.4) of providing useful ideas and information provided by said Member through continuous surveys, which are conducted by said Central Processing Center during manufacturing of said ordered products, to said contracted Suppliers (as claimed in claim 4); or

(iii) before the step (a), it further comprises the steps of collecting market information and reverting said market information and common needs to said Members by said Central Processing Center (as claimed in claim 26) and

(iv) in the step (d), it further comprises a step of providing a list of suggested products in suggested prices of said contracted Suppliers by said Central Processing Center (CPC) as reference for said Members to choose to purchase (as claimed in claim 27).

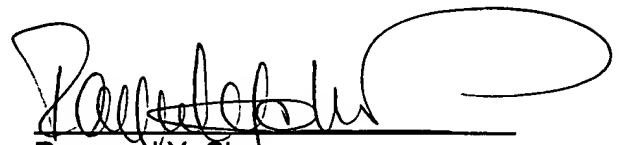
11. Moreover, "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." Libbey-Owens-Ford v. BOC Group, 4 USPQ 2d 1097, 1103 (DCNJ 1987). Applicant believes that neither Shkedy nor Mintz, separately or in combination, suggest or make any mention whatsoever of using a C2B method as recited in dependent claims 2, 4, 26-27, including the limitation as a whole of the depending base claim 1 and any intervening claims. Applicant believes that for all of the foregoing reasons, the claims 2, 4 and 26-27 are in condition for allowance and such action is respectfully requested.

#### **The Cited but Non-Applied References**

12. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

13. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection and rejection are requested. Allowance of claims 1-17 and 26-27 at an early date is solicited.

Respectfully submitted,



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### CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: September 29, 2003

Signature: 

Person Signing: Raymond Y. Chan